

United States District Court, Northern District of Illinois

Name of Assigned Judge or Magistrate Judge	Blanche M. Manning	Sitting Judge if Other than Assigned Judge	
CASE NUMBER	11 C 6073	DATE	10/21/2011
CASE TITLE	Nathaniel Ross (#2010-0702085) v. Cook County Jail, et al.		

DOCKET ENTRY TEXT:

Plaintiff's application to proceed *in forma pauperis* ("IFP") [3] is denied without prejudice. Plaintiff's complaint is dismissed without prejudice. Within 30 days of the date of this order, Plaintiff must: (1) either prepay the \$350 filing fee or submit a completed IFP application, and (2) submit an amended complaint that names suable parties as Defendants. The clerk shall send to Plaintiff another IFP application and an amended complaint form, along with a copy of this order. Failure to comply with this order within 30 days may be construed as Plaintiff's desire not to proceed with this case and will result in dismissal of this case. Although Plaintiff cannot proceed with his current complaint, in the abundance of caution, the court directs the clerk to mail a copy of this order to the Cook County Sheriff's Office, so that, if Plaintiff is in need of immediate medical attention, jail officials may assist in ensuring that such attention is provided.

■ [For further details see text below.]

Docketing to mail notices.

STATEMENT

Plaintiff, Nathaniel Ross, is currently incarcerated at the Cook County Jail. He has filed this civil rights complaint under 42 U.S.C. § 1983 against the jail, alleging that he injured his shoulder while performing his jail detail, which included filling buckets for mopping floors, as well as carrying 30-45 pounds of disinfectant up and down stairs. Plaintiff states that such activities injured his shoulder sometime in late 2010, that he submitted requests for medical attention in November 2010, and that he saw a doctor and received x-rays in December 2010. Plaintiff states that the doctor put his arm in a sling and prescribed pain medication. Allegedly, after still experiencing pain, Plaintiff had more x-rays and another examination, during which surgery or cortisone injection treatment was recommended.

Plaintiff seeks to file his complaint *in forma pauperis* ("IFP"). His current IFP application, however, does not include a copy of his trust fund account for a period of six months prior to filing this suit. The Prison Litigation Reform Act ("PLRA") requires all inmates and detainees to pay the full \$350 filing fee. If the inmate or detainee cannot prepay the fee, he may file an IFP application to pay it in monthly installments. The PLRA requires all inmates and detainees to submit with their applications "a certified copy of the trust fund account statement (or institutional equivalent) for the prisoner for the 6-month period immediately preceding the filing of the complaint . . . , obtained from the appropriate official of each prison at which the prisoner is or was confined." 28 U.S.C. § 1915(a)(2). Such information is necessary to make a proper IFP determination and to assess an initial partial filing fee. Accordingly, Plaintiff's application is denied without prejudice to him submitting a completed and current application. His failure to do so within 30 days of the date of this order will result in the Court dismissing this case without prejudice. *See* N.D. Ill. Local Rule 3.3(e).

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STATEMENT (continued)

Turning to Plaintiff's complaint, it cannot proceed forward as currently drafted. Plaintiff names only Cook County Jail as a Defendant. The jail, however, is not a suable entity. *Castillo v. Cook County Mail Room Dept.*, 990 F.2d 304, 307 (7th Cir. 1993). Plaintiff must name an individual who was personally involved with the claims he seeks to raise. If Plaintiff seeks to assert that doctors or officials at the jail have acted with deliberate indifference to his medical condition, he must name those individuals as Defendants. *See Greeno v. Daley*, 414 F.3d 645, 653 & 656 (7th Cir. 2005). Accordingly, the complaint is dismissed without prejudice to Plaintiff submitting another complaint that states only related and valid claims.

Therefore, in order for Plaintiff to proceed with this case, within 30 days of the date of this order, he must: (1) either submit a completed IFP application or prepay the \$350 filing fee, and (2) submit an amended complaint that states valid claims and names suable parties as defendants. Failure to comply with this order may construed as Plaintiff's desire not to proceed with this case and will result in summary dismissal of this case.